

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Roanoke Division

RILEY AMORE and CAROLINE PARKER,
*Individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

AMERICAN ASSOCIATION OF
VETERINARY CLINICIANS, et al.,

Case No. 7:25-cv-00229-EKD-CKM

Defendants.

METE ENDER TUNCAY, DVM,
*on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

AMERICAN ASSOCIATION OF
VETERINARY CLINICIANS, et al.,

Case No. 7:25-cv-00369-EKD-CKM

Defendants.

**DECLARATION OF JOSHUA P. DAVIS IN SUPPORT OF PLAINTIFF METE ENDER
TUNCAY'S MOTION FOR APPOINTMENT OF INTERIM CO-LEAD CLASS
COUNSEL**

I, Joshua P. Davis, declare as follows:

1. I am a shareholder at Berger Montague PC (“Berger Montague”), one of the law firms representing Plaintiff Mete Ender Tuncay, DVM, in *Tuncay v. American Association of Veterinary Clinicians*, No. 7:25-cv-00369 (W.D. Va.). I am a member in good standing of the State Bar of California and filed an appearance in this matter on June 20, 2025.

2. I submit this declaration in support of Dr. Tuncay's motion to appoint Berger Montague PC and MoloLamken LLP as interim co-lead class counsel for the proposed class of current and former veterinary interns and residents.

3. Described by *Chambers and Partners* as "highly distinguished for the strength of its plaintiff-side work acting on monopoly matters and price-fixing, including an impressive track record in complex, high-profile class actions," Berger Montague boasts one of the largest and most experienced plaintiff-side antitrust departments in the country. Founded in 1970, Berger Montague pioneered the antitrust class action and is a leader in representing workers in antitrust class actions.

4. Berger has obtained the largest private antitrust class action settlement in history and over \$9 billion in aggregate class recoveries from 2009 through 2023—the most of any such firm during that time.¹ Accordingly, *Chambers and Partners* has ranked Berger as "Band 1" for nationwide plaintiffs' antitrust practices for the past four years. Berger has also won numerous awards for its success in antitrust class litigations, including five American Antitrust Institute ("AAI") "Outstanding Antitrust Litigation Achievement in Private Law Practice" awards in the past two years alone.

5. Berger is a pioneer in the wage-fixing and -suppression space, successfully litigating to recover for numerous classes of workers whose compensation has been suppressed by unlawful conspiracies and monopolies. This past year, for example, Berger Montague in *Le v. Zuffa* secured final approval of a pathbreaking, \$375 million settlement that compensated UFC fighters for wage suppression. *Le v. Zuffa, LLC*, No. 14-cv-5484 (D. Nev.). Each fighter will receive, on average, over \$200,000. No previous labor-side claim under Section 2 of the Sherman

¹ Joshua Davis & Rose Kohles, *2023 Antitrust Annual Report: Class Actions in Federal Court at 38* (November 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5059771 (attached as Ex. 1).

Act had survived summary judgment or been certified as a class action. That litigation continues—as Berger seeks to restructure the market to increase compensation to mixed martial arts fighters. Berger Montague has also litigated numerous other worker antitrust class actions. *See, e.g., In re Broiler Chicken Grower Antitrust Litig.*, No. 20-md-02977 (E.D. Okla.) (\$169 million in settlements for broiler chicken growers whose wages were suppressed via no-poach agreements and information sharing); *In re High Tech Employee Antitrust Litig.*, No. 11-cv-2509 (N.D. Cal.) (\$435 million in settlements, the largest of any employee class action case against a private employer, on behalf of technology workers); *Jien v. Perdue Farms, Inc.*, 1:19-cv-02521 (\$398 million in settlements on behalf of poultry workers); *Brown v. JBS USA Food Co.*, No. 1:22-cv-02946-PAB-STV (D. Colo.) (\$200.2 million in settlements on behalf of red meat processing plan workers); *In re Railway Indus. No-Poach Antitrust Litig.*, 2:18-mc-00798-JFC (W.D. Pa.) (\$48.95 million in settlements on behalf of railway workers); *Johnson v. Arizona Hosp. & Healthcare Ass'n*, 2:07-cv-01292 (D. Ariz) (\$22.5 million in a wage-fixing case on behalf of *per diem* and traveling nurses); *In re Geisinger Health & Evangelical Cnty. Hosp. Healthcare Workers Antitrust Litig.*, 4:20-cv-00196 (M.D. Pa.) (yet-to-be disclosed settlement on behalf of hospital employees).

6. Berger has had similar success in antitrust cases outside the worker context. In *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, No. 05-md-1720 (E.D.N.Y.), Berger secured a \$5.6 billion settlement, believed to be the largest antitrust class action settlement in history. Recently, Berger also recovered nearly \$320 million on behalf of students and alumni at elite universities who were overcharged as a result of a conspiracy to fix or stabilize financial aid. *See Henry v. Brown Univ.*, No. 22-cv-125 (N.D. Ill.). Berger reached these settlements before class certification or summary judgment.

7. Berger Montague also takes cases to trial and handles appeals. At trial, the firm has obtained excellent results in *Innovative Health, LLC v. Biosense Webster, Inc.* No. 8:19-cv-01984-JVS-KES (C.D. Cal) (2025 jury verdict in antitrust competitor case of \$147 million, trebled to \$442 million (fees and costs yet to be awarded)), *United States v. Janssen Products LP*, No. 12-07758 (D.N.J.) (2025 jury verdict in *qui tam* action in excess of \$1.6 billion, one of the largest False Claims Act verdicts in U.S. history), *United States v. CVS Caremark Corp.*, No. 2:14-cv-00824 (E.D. Pa.) (2025 bench trial in *qui tam* action with recovery in excess of approximately \$300 million (penalties yet to be calculated)), *In re Capacitors Antitrust Litigation*, No. 14-cv-3264 (N.D. Cal.) (total settlements over \$600 million, including several occurring during jury trials in 2020 and 2021), *In re Opana ER Antitrust Litigation*, No. 14-cv-10150 (N.D. Ill.) (\$145 million settlement just before trial), *United States v. Johnson & Johnson*, No. 12-cv-7758 (D.N.J.) (jury verdict in 2024 of well over \$150 million in *qui tam* matter).

8. Berger maintains the only appellate department in the country that focuses on plaintiff-side antitrust work, particularly plaintiff-side class actions. See, e.g., *Innovative Health, LLC v. Biosense Webster, Inc.*, 2024 WL 62948 (9th Cir. 2024) (reversing grant of summary judgment to defendants in antitrust case);² *In re Abbott Labs*, 96 F.4th 371 (3d Cir. 2024) (upholding district court's use of the crime-fraud exception against pharmaceutical company that engaged in sham litigation); *In re Suboxone Antitrust Litig.*, 967 F.3d 264 (3d Cir. 2020) (upholding class certification that led to \$385 million settlement for purchasers injured by a prescription drug monopolization effort). In 2024, Berger won a unanimous victory for a worker before the Supreme Court in *Harrow v. Department of Defense*, 601 U.S. 480 (2024).

² After successfully reversing summary judgment in the Ninth Circuit, Berger Montague joined the trial team in *Innovative* and recently won a \$147 million judgment, trebled to \$442 million.

9. In addition, Berger Montague has vast experience effectively representing class interests in coordinating parallel litigation efforts, including in *In re Mission Health Litigation*, No. 1:22-cv-00114-MR (W.D.N.C.) (representing proposed class of health plans and coordinating litigation efforts with counsel for class of individuals in a parallel state court action), *In re Opana ER Antitrust Litigation*, No. 1:14-cv-10150 (N.D. Ill.) (Berger Montague serving as co-lead class counsel for direct purchaser class and coordinating litigation efforts with counsel for class of end purchaser plaintiffs in antitrust class action), and *In re: Loestrin 24 FE Antitrust Litigation*, No. 1:13-md-2472 (D.R.I.) (same).

10. With MoloLamken, Berger Montague has been investigating and developing this case for approximately one year, spending over 231 attorney hours to do so. Berger Montague routinely invests significant financial resources and attorney time in litigating claims against the largest and most well-funded defendants in the world. It will bring the same resources and commitment to ensure the successful prosecution of this case.

11. I will lead Berger Montague's team in this matter. My practice at Berger Montague focuses primarily on antitrust, appeals, class certification, and legal ethics in complex litigation. For over a decade, I have prosecuted labor-market antitrust class actions. I played, and continue to play, a lead role in *Zuffa*. I also briefed and argued *Innovative Health, LLC v. Biosense Webster, Inc.*, 2024 WL 62948 (9th Cir. 2024), winning reversal of a summary judgment ruling against the plaintiff. On remand, I served on the trial team that obtained a \$442 million jury verdict in May 2025. Recently, I twice received the American Antitrust Institute's award for "Outstanding Antitrust Litigation Achievement in Private Law Practice"—in 2023 for *In re Capacitors Antitrust Litigation*, No. 3:14-cv-03264 (N.D. Cal.) (a case that went to trial twice) and in 2024 for *Fusion Elite All Stars v. Varsity Brands, LLC*, 2:20-cv-02600 (W.D. Tenn.) (an antitrust case that obtained

damages and restructured a market to make it more competitive). Additionally, the National Civil Justice Institute named me the recipient of its annual Appellate Advocacy Award for obtaining a 9-0 victory in the U.S. Supreme Court on behalf of a federal worker in *Harrow v. Department of Defense*, 601 U.S. 480 (2024). In addition to my position at Berger Montague, I am a Research Professor at the University of California San Francisco College of the Law, where I am associated with the Center for Litigation and Courts. I have held full-time academic positions at the Georgetown University Law Center, the University of San Francisco School of Law, and the Willamette University School of Law. I organize an annual conference on complex litigation ethics at UC Law SF. I also arrange and moderate an annual panel on ethics at the ABA's National Class Actions Institute and speak frequently on ethics topics. More detail concerning my experience, recent cases and awards is available in my biography, which is attached as Exhibit 8. Additional information about Berger Montague is included in Exhibits 3-10.

12. I am joined on this case by other highly experienced Berger Montague attorneys: Hope Brinn and Julie Pollock.

13. Hope Brinn is an Associate in the San Francisco office and practices in Berger Montague's Antitrust group. Hope represents direct purchasers in a variety of industries. She is a core part of the teams litigating *Henry v. Brown University*, No. 1:22-cv-00125 (N.D. Ill.) (\$319.25 million in settlements to date on behalf of financial aid recipients at elite universities); *In re Multiplan Health Insurance Provider Litigation*, No. 1:24-cv-06795 (N.D. Ill.) (interim co-lead counsel on case alleging nationwide conspiracy to suppress out-of-network payments to healthcare providers); and *Estuary Transit Dist. v. Hartford Healthcare*, No. 3:24-cv-01051 (interim co-lead counsel on case alleging monopolization and price-fixing by dominant hospital system). In 2024, Hope was awarded the American Antitrust Institute's award for Outstanding Antitrust Litigation

Achievement by a Young or Newly Admitted Lawyer for her work in the *Henry v. Brown University* case. Prior to starting at Berger Montague, Hope clerked for the Honorable Janet Bond Arterton in the United States District Court for the District of Connecticut.

14. Julie Pollock is an Associate in Berger Montague's Antitrust practice group. In this role, she represents a broad range of individuals and small businesses in civil litigation, with a focus on antitrust class actions. Prior to joining Berger Montague, Ms. Pollock served a judicial extern to Chief Justice Cantil-Sakauye of the California Supreme Court. Before becoming a lawyer, Ms. Pollock earned a Master's Degree in Social Welfare and began her career in public policy, working to improve healthcare and housing access for low-income older adults.

15. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 7, 2025
San Francisco, CA

Respectfully submitted,

/s/ Joshua P. Davis
Joshua P. Davis
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EXHIBIT 1

2023 Antitrust Annual Report

Class Actions in Federal Court

Published November 2024



Center for Litigation and Courts
UC Law SF

 Huntington

2023 Antitrust Annual Report

Top 25 Lead Counsel in Class Recovery

Rank	Firm	Aggregate Settlement Class Recovery 2009-2023	# of Settlements 2009-2023	Average Settlement Class Recovery 2009-2023
1	Berger Montague	\$9,030,778,068	88	\$102,622,478
2	Hausfeld LLP	\$8,480,043,711	129	\$65,736,773
3	Robins Kaplan LLP	\$8,204,734,600	174	\$47,153,647
4	Robbins Geller Rudman & Dowd LLP	\$7,903,050,000	42	\$188,167,857
5	Hagens Berman Sobol Shapiro LLP	\$4,049,101,895	90	\$44,990,021
6	Scott + Scott, Attorneys at Law LLP	\$3,976,975,000	48	\$82,853,646
7	Boies Schiller Flexner LLP	\$3,523,264,307	37	\$95,223,360
8	Quinn Emanuel Urquhart & Sullivan LLP	\$3,322,090,000	55	\$60,401,636
9	Cohen Milstein Sellers & Toll PLLC	\$3,185,058,619	65	\$49,000,902
10	Pearson Warshaw LLP	\$3,122,802,737	52	\$60,053,899
11	Susman Godfrey LLP	\$3,075,871,465	198	\$15,534,704
12	Garwin Gerstein & Fisher LLP	\$2,683,549,000	41	\$65,452,415
13	Cotchett Pitre & McCarthy LLP	\$2,239,699,363	227	\$9,866,517
14	Lowey Dannenberg	\$2,097,983,000	50	\$41,959,660
15	Kaplan Fox & Kilsheimer LLP	\$1,980,973,692	52	\$38,095,648
16	Lovell Stewart Halebian Jacobson LLP	\$1,820,970,228	68	\$26,778,974
17	Lieff Cabraser Heimann & Bernstein LLP	\$1,650,122,242	41	\$40,246,884
18	Spector Roseman & Kodroff PC	\$1,356,020,935	103	\$13,165,252
19	Freed Kanner London & Millen LLC	\$1,348,267,085	107	\$12,600,627
20	Levin Sedran & Berman	\$1,331,023,917	34	\$39,147,762
21	Joseph Saveri Law Firm, Inc	\$1,257,825,000	28	\$44,922,321
22	Fine Kaplan and Black RPC	\$1,190,818,749	21	\$56,705,655
23	Zelle LLP	\$1,142,427,647	29	\$39,394,057
24	Alioto Law Firm	\$1,083,199,397	17	\$63,717,612
25	Gustafson Gluek PLLC	\$1,048,611,703	63	\$16,644,630

Note: Settlements with more than one law firm as lead counsel are attributed to each firm.

EXHIBIT 2



About Berger Montague

Berger Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in antitrust class actions. Berger Montague helped pioneer the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts.

Today, Berger Montague is a full-spectrum class action and complex civil litigation firm, with nationally known attorneys highly sought after for their legal skills and commitment to justice. The Firm has been recognized by federal and state courts across the country for its ability and expertise in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. The Firm has played a principal role in numerous precedent-setting cases, including many of the largest and most successful antitrust class actions over the last 50 years.

The Firm has been repeatedly recognized by the *National Law Journal*, *The Legal Intelligencer*, *Chambers & Partners*, *Best Lawyers*, and *The Legal 500* for its outstanding legal skills and success in complex litigations. For example, *Chambers & Partners* has repeatedly selected Berger Montague as one of the country's top antitrust firms. *Chambers USA 2024* states that Berger Montague is "[h]ighly distinguished for the strength of its plaintiff-side work acting on monopoly matters and price fixing, including an impressive track record in complex, high-profile class actions."

Berger Montague is based in Philadelphia, with offices in Chicago, Minneapolis, Philadelphia, San Diego, San Francisco, Toronto, Washington, DC, and Wilmington, DE. Currently, the Firm consists of ~100 lawyers and 50 support staff. There are few firms in the United States that can match the Firm's breadth of practice and reputation in the field of plaintiff antitrust class actions.

Expertise and Case Profiles

While the Firm's success and expertise spans several practice areas, this submission is focused on the Firm's antitrust practice, which is most relevant to the Court's consideration. Berger Montague's innovative approach to antitrust class actions continues to recover billions of dollars for clients and class members. The Firm has played a principal role in numerous precedent-setting cases, including a number of the largest and most successful antitrust class actions.

Our pivotal role has obtained billions of dollars in settlements across diverse industries, including commodity markets, pharmaceuticals, and financial products. As a result of our successes and the skill, reputation and experience of our Firm's antitrust lawyers, Berger Montague is routinely appointed by federal courts to serve in leadership roles in complex antitrust class action cases.

The firm and its antitrust lawyers have been recognized by *Chambers USA* for over 20 years. The firm has also received recognition from *The Legal 500*, Martindale-Hubbell, *America's Best Lawyers*, *Lawdragon.com*, and *The National Law Journal* for its outstanding work in antitrust



litigation. The country's leading judges have also noted our tremendous litigation skills and our outstanding preparation and representation of our clients and class members.

- **Cung Le, et al v. Zuffa, LLC, d/b/a Ultimate Fighting Championship (UFC), et al Antitrust Litigation:** Co-lead counsel obtained a \$375 million settlement on behalf of a certified class of UFC fighters, charging the UFC with violations of the antitrust laws. The class fought for the UFC between December 16, 2010 and June 30, 2017 in *Le v. Zuffa, LLC*. There is also a proposed class of UFC fighters who fought for the UFC between July 1, 2017 and the present in *Johnson v. Zuffa, LLC, et al.* The complaints in the Le Action and the Johnson Action allege that the plaintiffs and members of the classes are victims of the UFC's illegal scheme to eliminate its competition in the sport of Mixed Martial Arts (MMA), and that the defendants have suppressed compensation for UFC Fighters.
- **In re Domestic Drywall Antitrust Litigation:** Co-lead Counsel and obtained a \$190.7 million settlement on behalf of a class of direct purchasers of drywall, in a case alleging that the dominant manufacturers of drywall engaged in a conspiracy to fix drywall prices in the United States and to abolish the industry's long-standing practice of limiting price increases for the duration of a construction project through "job quotes." The case was litigated in the United States District Court for the Eastern District of Pennsylvania.
- **In re Commodity Exchange Inc., Gold Futures and Options Trading Litigation:** Co-lead Counsel and obtained total settlements of \$152 million in this class action antitrust lawsuit alleging that the five banks that participated in the London Gold Fixing conspired to suppress the PM Gold Fix, an important gold pricing benchmark, thereby harming sellers of physical gold and certain gold investments. The Bank of Nova Scotia, Barclays Bank plc, Deutsche Bank Ag, HSBC Bank plc and Société Générale are all members of the London Gold Market Fixing Ltd., which conducts the London Gold Fixing. The London Gold Fixing is a twice daily process where the defendants set an important benchmark price for gold. The plaintiffs alleged that the defendants conspired to manipulate this benchmark for their collective benefit. The plaintiffs further alleged that they were injured because the defendants' manipulation caused prices for gold-based derivatives contracts, physical gold, and gold-based securities to be made artificial.
- **In re: Generic Pharmaceuticals Pricing Antitrust Litigation:** On the Plaintiffs' Steering Committee for a proposed class of generic drug purchasers in price-fixing and market allocation litigation brought against many of the generic drug manufacturers operating in the United States. This large MDL litigation contains various, similar complaints filed by the plaintiffs which allege that generic pharmaceutical manufacturers engaged in an unlawful scheme or schemes to fix, maintain, and stabilize prices, rig bids, and engage in market and customer allocations concerning many generic drugs.
- **In re Google Digital Advertising Antitrust Litigation.** Co-Lead Counsel representing "Publishers," i.e., ad-supported online content companies, in a suit alleging that Google engaged in a scheme to monopolize markets for products publishers use to sell their ad



inventory. Plaintiffs alleges that Google's scheme to monopolize suppresses the ad revenues Publishers can generate on their content.

- **In re: Shale Oil Antitrust Litigation.** Co-Lead Counsel for a class of purchasers who paid inflated prices for gasoline, heating oil, and other crude oil-derived products as a result of a conspiracy among major U.S. shale oil producers to restrict production under the pretext of "market discipline." The proposed class includes individuals and entities in the United States who purchased gasoline, diesel fuel, or heating oil at artificially inflated prices due to the alleged anticompetitive conduct of major shale oil producers.
- **In re Namenda Direct Purchaser Antitrust Litigation – Antitrust Class Action Settlement:** Co-lead counsel and obtained a \$750 million settlement on behalf of a class of direct purchasers of branded and/or generic Namenda IR and/or branded Namenda XR. This is the largest single-defendant settlement ever for a case alleging delayed generic competition. The case was litigated in the United States District Court for the Southern District of New York.
- **In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation:** Represented a certified class of direct purchaser plaintiffs who purchased Suboxone tablets directly from defendant Reckitt Benckiser Pharmaceuticals, Inc. (now known as Indivior Inc.) ("Reckitt"). Shortly before trial was scheduled to start (the Court had set the trial start date for October 30, 2023), the parties reached a \$385 million settlement.
- **King Drug Co. of Florence Inc. v. Cephalon Inc. – Provigil Antitrust Settlement:** Served on the Executive Committee and obtained total settlements of over \$512 million in this antitrust pay for delay class action on behalf of direct purchasers of Provigil (modafinil), a prescription drug for sleeping disorders manufactured and sold by defendant Cephalon, Inc. After nine years of hard-fought litigation, the court approved a \$512 million partial settlement, then the largest settlement ever for a case alleging delayed generic competition. The case was litigated in the United States District Court for the Eastern District of Pennsylvania.
- **In Re: Opana ER Antitrust Litigation – Antitrust Settlement:** Co-lead class counsel and obtained a \$145 million settlement in this antitrust pay for delay action on behalf of a certified class of direct purchasers of brand or generic Opana, alleging that the defendants entered into a pay for delay agreement whereby Impax delayed the launch of its generic Opana ER product in exchange for valuable consideration from Endo. After eight years of hard-fought litigation and the court's class certification opinion in favor of the plaintiffs on June 4, 2021, the class and Impax settled as trial commenced (and proceeded against Endo), reaching what Judge Leinenweber described as an "excellent" settlement.
- **Celebrex (Celecoxib) Antitrust Class Action Settlement:** Class counsel and obtained a \$94 million settlement for the class of direct purchasers of brand and generic Celebrex (celecoxib) in this antitrust action against Pfizer. The plaintiffs alleged that Pfizer, in violation of the Sherman Act, improperly obtained a patent for Celebrex from the U.S.



Patent and Trademark Office in a scheme to unlawfully extend patent protection and delay market entry of generic versions of Celebrex. The case was litigated in the District Court for the Eastern District.

- **In re Loestrin 24 Fe Antitrust Litigation – Antitrust Class Action Settlement:** Co-lead counsel and obtained a \$120 million settlement for the class of direct purchasers of brand Loestrin, generic Loestrin, and brand Minastrin. The direct purchaser class alleged that the defendants violated the antitrust laws by unlawfully impairing the introduction of generic versions of the prescription drug Loestrin 24 Fe. The case was litigated in the United States District Court for the District of Rhode Island.
- **In re K-Dur Antitrust Litigation – Antitrust Class Action Settlement:** Co-Lead Counsel and obtained \$62.3 million in total settlements for a class of direct purchasers of the brand-name drug K-Dur 20, a potassium chloride supplement used to treat patients with depleted potassium. The lawsuit alleged that the defendants, Schering-Plough, Upsher-Smith, and American Home Products, violated federal antitrust law by entering into written, anti-competitive agreements under which Schering-Plough paid its rival generic manufacturers, Upsher-Smith and American Home Products, \$60 million to delay the market entry of their generic versions of K-Dur 20. The case was litigated in United States District Court for the District of New Jersey.
- **In re Solodyn Antitrust Litigation – Antitrust Class Action Settlement:** Co-lead counsel and obtained over \$76.8 million in total settlements on behalf of a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) in this antitrust action. The plaintiffs alleged that Medicis Pharmaceutical Corp. entered into agreements with each of Impax Laboratories, Inc., Sandoz Inc., and Lupin Limited/Lupin Pharmaceuticals, Inc. not to compete in the market for extended-release minocycline hydrochloride tablets, including Solodyn and its generic equivalents. The case was litigated in the United States District Court for the District of Massachusetts
- **In re Tricor Antitrust Litigation:** Class counsel and obtained a \$250 million settlement on behalf of a class of direct purchasers of the cholesterol drug Tricor. The plaintiffs charged Abbott Laboratories and Fournier Industrie et Sante, two brand-name pharmaceutical companies, with monopolizing the market for Tricor and its generic equivalents and paying its competitors to refrain from introducing less expensive generic versions of the drug. The case was litigated in the United States District Court for the District of Delaware.

Commodities Antitrust Class Actions

- **In re Capacitors Antitrust Direct Purchaser Litigation:** One of the lead trial counsel obtaining over \$604.5 million in settlements on behalf of a class of direct purchasers of aluminum and tantalum electrolytic capacitors and film capacitors. After nearly a decade of hard-fought litigation, and two nearly completed trials in front of California juries, the plaintiffs ultimately obtained combined settlements for the class, representing an extraordinary recovery of 141.4% of the class's single damages as calculated by the class' expert. Capacitors are a fundamental component of electrical circuits that store



electric charge and, as such, are ubiquitous in electronic devices. The challenged conduct included both formal and informal conspiratorial meetings and communications with anticompetitive exchanges occurring throughout Asia, Europe, and the U.S.

- **In re Commodity Exchange Inc., Gold Futures and Options Trading Litigation:** Co-lead Counsel and obtained total settlements of \$152 million in this class action antitrust lawsuit alleging that the five banks that participated in the London Gold Fixing conspired to suppress the PM Gold Fix, an important gold pricing benchmark, thereby harming sellers of physical gold and certain gold investments. The Bank of Nova Scotia, Barclays Bank plc, Deutsche Bank Ag, HSBC Bank plc and Société Générale are all members of the London Gold Market Fixing Ltd., which conducts the London Gold Fixing. The London Gold Fixing is a twice daily process where the defendants set an important benchmark price for gold. The plaintiffs alleged that the defendants conspired to manipulate this benchmark for their collective benefit. The plaintiffs further alleged that they were injured because the defendants' manipulation caused prices for gold-based derivatives contracts, physical gold, and gold-based securities to be made artificial.
- **In re: Generic Pharmaceuticals Pricing Antitrust Litigation:** On the Plaintiffs' Steering Committee for a proposed class of generic drug purchasers in price-fixing and market allocation litigation brought against many of the generic drug manufacturers operating in the United States. This large MDL litigation contains various, similar complaints filed by the plaintiffs which allege that generic pharmaceutical manufacturers engaged in an unlawful scheme or schemes to fix, maintain, and stabilize prices, rig bids, and engage in market and customer allocations concerning many generic drugs.

Athletic and Academic Antitrust Class Actions

- **Cung Le, et al v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC – Antitrust Litigation:** Co-lead counsel obtained a \$375 million settlement on behalf of a certified class of UFC fighters, charging the UFC with violations of the antitrust laws. The class fought for the UFC between December 16, 2010 and June 30, 2017 in Le v. Zuffa, LLC, as well as a proposed class of UFC fighters who fought for the UFC between July 1, 2017 and the present in Johnson v. Zuffa, LLC. The complaints in the Le Action and the Johnson Action allege that the plaintiffs and members of the classes are victims of the UFC's illegal scheme to eliminate its competition in the sport of Mixed Martial Arts (MMA), and that the defendants have suppressed compensation for UFC Fighters.
- **Fusion Elite All Stars v. Varsity Brands, LLC – Antitrust Class Action Settlement:** Co-Lead Class Counsel representing classes of All-Star Cheer Gyms and Spectators of All Star Cheer Events in antitrust litigation against Varsity Brands, LLC and its subsidiaries (collectively "Varsity") and U.S. All-Star Federation, Inc. ("USASF"). In late 2022, the plaintiffs' negotiation team reached a settlement of the matter for \$82 million in cash plus valuable prospective relief that would unwind some of the key conduct that the plaintiffs alleged Varsity had used to monopolize the market for All Star Cheer Events in the United States.



- **Henry, et al. v. Brown University, et al. 568 Cartel Antitrust Litigation:** Co-lead counsel obtained \$284 million in settlements to date in this antitrust class action lawsuit filed against Brown University, California Institute of Technology, University of Chicago, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Georgetown University, Massachusetts Institute of Technology, Northwestern University, Notre Dame, University of Pennsylvania, Rice University, Vanderbilt University, and Yale University. U.S. District Court Judge Matthew Kennelly rejected motions by the defendant universities to dismiss the case. Discovery in the litigation is now going forward.

Financial Services Antitrust Class Actions

Sophisticated investors' portfolios contain a diverse set of investment vehicles, including equities, bonds, futures, swaps, commodities and other financial instruments. Plaintiffs' law firms that focus on traditional securities fraud and Delaware litigation are, generally, focused on investor losses on one category of investment products: equities. Berger Montague has a long history of success in securities litigation. Our broad litigation expertise—including in antitrust and commodities litigation—enables us to also identify and successfully pursue meritorious claims for losses suffered in other financial instruments, such as bonds, swaps, futures, commodities, etc., on behalf of our investor clients that the firm's peers often overlook.

Representative complex antitrust litigation experience includes financial services companies includes:

- **Currency Conversion Fee Litigation – Antitrust Class Action Settlement:** Co-lead counsel led this class action lawsuit alleging that the major credit cards had conspired to fix prices for foreign currency conversion fees imposed on credit card transactions. After eight years of litigation, a settlement of \$336 million was approved. A subsequent settlement with American Express increased the settlement amount to \$386 million. The case was litigated in the United States District Court for the Southern District of New York.
- **Ross v. Bank of America:** Lead counsel for the cardholder classes and obtained settlements with four of the nation's largest credit card companies, JPMorgan Chase, Bank of America, Capital One and HSBC. The plaintiffs alleged that six major credit card banks and one arbitration provide unlawfully colluded to require cardholders to arbitrate disputes, including debt collection disputes, and to preclude cardholders from participating in any class actions. The case was litigated in United States District Court for the Southern District of New York.
- **In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation:** Co-Lead Counsel and obtained a \$5.6 billion antitrust settlement for a national class of direct purchasers in the Payment Card Interchange Fee and Merchant Discount Antitrust Litigation against Visa, MasterCard, and several of the largest banks in the United States including JPMorgan Chase, Bank of America, and Citibank. The case is pending in the United States District Court for the Eastern District of New York. Our team earned high judicial praise.



- **Contant v. Bank of America corp. – Antitrust Class Action Settlement:** Lead Counsel and obtained \$23.63 million in settlements with the defendants in the multistate indirect purchaser antitrust class action, Contant, et al. v. Bank of America Corp., et al. The plaintiffs alleged that the defendants including 16 of the world's largest dealer banks colluded to manipulate prices on foreign currency instruments. The case was litigated in the United States District Court for the Southern District of New York. We earned judicial praise.

Additional Complex Antitrust Litigation Experience

- **Dental Supplies Antitrust Litigation:** As Co-lead counsel obtained an \$80 million settlement for a class of dental practices and dental laboratories in this antitrust lawsuit against Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company, the three largest distributors of dental supplies in the United States. Our team earned judicial praise for our work.
- **In re Domestic Drywall Antitrust Litigation:** As Co-lead Counsel and obtained a \$190.7 million settlement on behalf of a class of direct purchasers of drywall, in a case alleging that the dominant manufacturers of drywall engaged in a conspiracy to fix drywall prices in the United States and to abolish the industry's long-standing practice of limiting price increases for the duration of a construction project through "job quotes." The case was litigated in the United States District Court for the Eastern District of Pennsylvania.
- **Marchbanks Truck Service Inc. v. Comdata Network, Inc. – Antitrust Settlement:** As Co-lead counsel and obtained settlements totaling \$130 million for a class of 6,500 independent truck stops and other retail fueling facilities in this antitrust lawsuit. The settlement also included valuable prospective relief that rolled back much of the conduct that the plaintiffs challenged in the lawsuit as anticompetitive. The case was litigated in the United States District Court for the Eastern District of Pennsylvania.
- **Chicken Farmers In re Broiler Chicken Grower Antitrust Litigation:** As Co-lead counsel and obtained \$169 million for a class of chicken farmers (also called "growers") in a pay suppression case alleging that the major chicken processing companies (e.g., Tyson, Perdue, Pilgrim's Pride) conspired to suppress the growers' pay by illegally sharing confidential grower compensation data and illegally conspiring not to recruit each other's growers. This is believed to be the largest recovery ever for growers against the chicken companies.

Appeals & Complex Briefing

For more than 50 years, Berger Montague has successfully argued high stakes appeals and briefed complex issues in trial courts around the country. Berger Montague has a proven track record of winning appeals and obtaining favorable results after complex briefing. Our San Francisco office, led by Supreme Court advocate Joshua Davis, has become a destination Appeals & Complex Briefing practice where clients and peer law firms turn when they need top-



flight advocacy in federal and state courts of appeal, in the United States Supreme Court, and for critical briefing in trial courts.

- **Harrow v. Department of Defense:** Appellate counsel representing Petitioner Harrow in a briefing on the merits and oral argument before the Supreme Court. Berger Montague is litigating in the Federal Circuit after shareholder Josh Davis secured a unanimous 9-0 U.S. Supreme Court victory on behalf of a furloughed federal employee.
- **Innovative Health, LLC v. Biosense Webster, Inc:** Counsel representing Plaintiff-Appellant Innovative Health, LLC in a civil appeal of an adverse judgment. Berger Montague successfully reversed a grant of summary judgment in the U.S. Court of Appeals for the Ninth Circuit. The case challenges a medical device provider's exclusionary conduct under federal antitrust laws.
- **Simon & Simon v. Align:** Counsel representing Plaintiff-Appellant Simon & Simon in a civil appeal of an adverse judgment. Berger Montague is engaged in briefing in the U.S. Court of Appeals for the Ninth Circuit, challenging a summary judgment antitrust ruling in a refusal-to-deal case. The U.S. Department of Justice and American Antitrust Institute filed supportive amicus briefs.
- **Giordano v. Saks Incorporated:** Counsel representing Plaintiff Giordano in a civil appeal. Berger Montague briefed and argued Saks before the U.S. Court of Appeals for the Second Circuit. The briefing case challenges a conspiracy where defendants agreed not to compete for one another's employees.
- **Berger Montague is Pro Bono Appellate Counsel representing Donald Felton in a criminal appeal:** Matt Summers argued U.S. v. Felton in the U.S. Court of Appeals for the Seventh Circuit. Berger Montague represents a criminal defendant challenging an unlawful warrant on Fourth Amendment grounds.
- **Osheske v. Landmark Theaters:** Counsel representing Osheske in a civil appeal of an adverse judgment. Berger Montague associate Sophia Rios argued before the U.S. Court of Appeals for the Ninth Circuit, contending that the Video Privacy Protection Act applies to movie theaters that sell consumer data to third parties.
- **In Re Abbott Labs:** Counsel representing Plaintiffs-Respondents in a civil appeal. Berger Montague developed briefing in this Third Circuit case against two former U.S. Solicitors General, resulting in an opinion upholding the district court's use of the crime-fraud exception against pharmaceutical company that had engaged in sham litigation.
- **Harris v. Krasner:** Counsel representing Plaintiffs-Appellants Harris and Dixon-Fowler in a civil appeal of an adverse judgment. Berger Montague achieved a precedential Third Circuit victory representing District Attorney Larry Krasner.
- **Boynes v. Limetree Bay Ventures LLC:** Counsel representing Plaintiffs-Appellees in a civil appeal. Berger Montague represented residents of St. Croix before the U.S. Court of Appeals for the Third Circuit. The Third Circuit affirmed a preliminary injunction requiring



oil companies to provide bottled water to affected residents after their refinery contaminated local water supplies.

- **Gilead v. Superior Court:** Appellate Counsel representing Justice Catalyst as amicus curiae in a briefing on the merits. Berger Montague filed an amicus brief in the California Supreme Court arguing that pharmaceutical companies should be liable for substantial, unreasonable harm. The amicus brief argues that hyperbolic arguments from the pharmaceutical industry's amici are baseless, in part because analogous doctrines in antitrust law provide liability under similar circumstances.
- **NVIDIA Corp. v. E. Ohman J:OR Fonder AB:** Appellate Counsel representing certain institutional investors as amici curiae in a briefing on the merits. Berger Montague filed an amicus brief in the Supreme Court of the United States on behalf of major institutional investors, advocating against the imposition of novel pleading standards that would impede meritorious securities litigation.
- **Gibson v. Cendyn:** Appellate Counsel representing the American Antitrust Institute as amicus curiae in a briefing on the merits. Berger Montague filed an amicus brief in the U.S. Court of Appeals for the Ninth Circuit, collaborating with the American Antitrust Institute to address the antitrust implications of algorithmic collusion in the hospitality industry.
- **In re: Merck Mumps Vaccine Antitrust Litigation:** Appellate Counsel representing the American Antitrust Institute as amicus curiae in a brief supporting a petition for rehearing en banc. Berger Montague filed an amicus brief in the U.S. Court of Appeals for the Third Circuit Berger Montague collaborated with the American Antitrust Institute to argue that the en banc Third Circuit Court of Appeals should re-consider the applicability of the Noerr-Pennington doctrine on knowing misrepresentations.

Judicial Praise for Berger Montague Attorneys in Antitrust Litigation

Berger Montague's record of successful prosecution of class actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

Antitrust Cases

From **Judge Richard F. Boulware, II.**, U.S. District Court of Nevada:

During the hearing where the Court granted final approval of a precedent-setting \$375 million class action settlement on behalf of a class of mixed-martial arts fighters in *Le v. Zuffa et al.*, Judge Boulware praised "the investment, the quality of the representation in this case, [and] the hours spent" by the Firm and its co-counsel."

Transcript of the February 6, 2025 hearing in **Cung Le, et al. v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC**, Case No. 2:15-cv-01045-RFB-BNW (D.Nev.).



From **Judge Lorna G. Schofield**, of the U.S. District Court for the Southern District of New York:

"I'm not sure I've ever seen a case without a single objection or opt-out, so congratulations on that."

Transcript of the November 19, 2020 Hearing in ***Contant, et al. v. Bank of America Corp., et al.***, No. 1:17-cv-03139 (S.D.N.Y.).

From **Judge William E. Smith**, of the U.S. District Court for the District of Rhode Island:

"The degree to which you all litigated the case is – you know, I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max. So you, both sides, I think litigated the case as vigorously as any group of attorneys could. The level of representation of all parties in terms of the sophistication of counsel was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one."

Transcript of the August 27, 2020 Hearing in ***In re Loestrin 24 Fe Antitrust Litigation***, No. 13-md-02472 (D.R.I.).

From **Judge Margo K. Brodie**, of the U.S. District Court for the Eastern District of New York:

"Class counsel has without question done a tremendous job in litigating this case. They represent some of the best plaintiff-side antitrust groups in the country, and the size and skill of the defense they litigated against cannot be overstated. They have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required..."

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, No. 1:05-md-01720 (E.D.N.Y. 2019) (Mem. & Order).

From **Judge Brian M. Cogan**, of the U.S. District Court of the Eastern District of New York:

"This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' lawyers in this case who were running it."

Transcript of the June 24, 2019 Fairness Hearing in ***In re Dental Supplies Antitrust Litigation***, No. 16-cv-696 (E.D.N.Y.).

From **Judge Michael M. Baylson**, of the U.S. District Court of the Eastern District of Pennsylvania:

"[C]ounsel...for direct action plaintiffs have done an outstanding job here with representing the class, and I thought your briefing was always very on point. I thought



the presentation of the very contentious issues on the class action motion was very well done, it was very well briefed, it was well argued."

Transcript of the June 28, 2018 Hearing in *In re Domestic Drywall Antitrust Litigation*, No. MD-13-2437 at 11:6-11.

From **Judge Madeline Cox Arleo**, of the U.S. District Court for the District of New Jersey praising the efforts of all counsel:

"I just want to thank you for an outstanding presentation. I don't say that lightly . . . it's not lost on me at all when lawyers come very, very prepared. And really, your clients should be very proud to have such fine lawyering. I don't see lawyering like this every day in the federal courts, and I am very grateful. And I appreciate the time and the effort you put in, not only to the merits, but the respect you've shown for each other, the respect you've shown for the Court, the staff, and the time constraints. And as I tell my law clerks all the time, good lawyers don't fight, good lawyers advocate. And I really appreciate that more than I can express."

Transcript of the September 9 to 11, 2015 Daubert Hearing in *Castro v. Sanofi Pasteur*, No. 11-cv-07178 (D.N.J.) at 658:14-659:4.

EXHIBIT 3



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ABOUT BERGER MONTAGUE

\$50B+in Settlements
and Verdicts**50+**Years of Experience
with High-Profile Cases**100+**Attorneys Protecting
your Rights**20+**Years Ranked as Top Law
Firm by Chambers USA**50**States in which we've
Successfully Litigated

Berger Montague is one of the nation's preeminent law firms focusing on complex civil litigation, class actions, and mass torts with nationally known attorneys highly sought after for their legal skills and commitment to justice.

The firm has been recognized by federal and state courts across the country for its ability and expertise in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation.

For more than 50 years, Berger Montague has played leading roles in precedent-setting cases and has recovered over \$50 billion for their clients and the classes they have represented.

Berger Montague laid the groundwork for the use of class actions in antitrust and securities litigation. The firm has since expanded the use of class actions in the fields of consumer, employment, environmental, and insurance litigation as well as of civil and human rights.

From helping companies in high-stakes commercial litigation to representing whistleblowers who have identified fraud against the government, our 100+ lawyers are able to tackle the most complex, precedent-setting legal matters.

Berger Montague has earned a national reputation for delivering results for clients. Our record of obtaining successful multimillion dollar settlements and verdicts is a direct reflection of our philosophy of preparing for trial from the moment we take your case — and paying attention to the details.

PRACTICE AREAS

- | | | | | |
|---------------------------------------|--|-------------------------------------|---|--|
| • Antitrust | • Commercial Litigation | • Defective Drugs & Medical Devices | • Environmental Law & Public Health | • Intellectual Property |
| • Appeals & Complex Briefing | • Commodities & Options | • Defective Products | • False Claims Act, Qui Tam & Whistleblower | • Securities Fraud & Investor Protection |
| • Automotive Litigation | • Consumer Protection | • Employee Benefits & ERISA | • Government Representation | • Securities & Financial Fraud |
| • Child Sexual Abuse & Sexual Assault | • Credit Reporting & Background Checks | • Employment Law & Unpaid Wages | • Healthcare | • Technology, Privacy & Data Breach |

Learn More www.bergermontague.com/about



Berger Montague has a rich history of championing significant class action cases since its founding in 1970 by David Berger, the visionary behind the modern class action procedure.

2016

The Firm opens its first office outside of Philadelphia in **Minneapolis, Minnesota.**

2023

To support its rapid growth and expansion, Berger Montague opens its first international office in **Toronto** and new offices in **San Francisco, Chicago** and **Wilmington, DE.**

2024

The Firm continues its growth trajectory with new offices opening in **Washington, D.C.**

2006

Berger Montague is one of three firms to represent the State of Connecticut in **State of Connecticut v. Philip Morris, Inc., et al.**, in which Connecticut recovered approximately \$3.6 billion from certain manufacturers of tobacco products.

2001

As co-lead counsel, Berger Montague played a key role in bringing about a \$4.37 billion **settlement with German industry and government** for the use of slave and forced labor during the Holocaust.

2000

Berger Montague serves on the executive committee in the **Holocaust Victim Assets Litigation**. It results in a \$1.25 billion settlement with Switzerland's largest banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War.

1991

Berger Montague serves as a principal plaintiffs' counsel in the **Drexel Burnham Lambert/Michael Milken** litigation which was filed in the aftermath of the junk bond market collapse and the Drexel bankruptcy. In 1991, a \$2 billion settlement was approved.

1994

Berger Montague was one of the principal trial counsel in the **Exxon Valdez Oil Spill** litigation. In 1994, the jury awarded a record \$5 billion verdict against Exxon, which the United States Supreme Court later reduced to \$507.5 million.

The first mass tort property damage class action certified on a national basis was the **School Asbestos** Litigation. We served as lead counsel, helping to recover \$300 million to defray the costs of asbestos abatement for secondary and elementary schools.

1981

After the near meltdown of a reactor at Three Mile Island, America's worst nuclear incident, Berger Montague serves as lead/liaison counsel in the **Three Mile** litigation. The case settles for \$25 million.

1970

Former Philadelphia City Solicitor David Berger forms Berger Montague, pioneering the field of class actions in antitrust and securities litigation.

1967

David Berger, founder of Berger Montague, helps draft **Rule 23** of the Federal Rules of Civil Procedure (FRCP), creating the modern class action.



HONORS & AWARDS



Berger Montague

Selected as a

TOP TIER ANTITRUST LAW FIRM 20+ YEARS

by Chambers and Partners

"Berger Montague is a preeminent force in the Pennsylvania antitrust market, offering expert counsel to clients from a broad range of industries... Highly distinguished for the strength of its plaintiff-side work acting on monopoly matters and price fixing, including an impressive track record in complex, high-profile class actions."

Legal peers, clients, federal and state courts, national legal rating entities, and national and regional legal publications have lauded Berger Montague and its attorneys for decades, recognizing the Firm's legal skills, professional ethics, client successes, DEI, pro bono work, and community involvement.

BERGER MONTAGUE HAS BEEN RECOGNIZED BY

The American Bar Association

The American Association for Justice

The Federal Bar Association

The Pennsylvania Bar Association

The Public Justice Foundation

The Pennsylvania Conference of State Trial Judges

First Judicial District of Pennsylvania

13 ATTORNEYS

Received a **LAWDRAGON AWARD** IN 2024

42 ATTORNEYS

Named **PA Super Lawyers** and **Rising Stars** in 2024 by Thomson Reuters

2024 TOP TIER FIRM

Civil Litigation/Class Actions: Plaintiff
by The Legal 500

ADDITIONAL AWARDS GIVEN BY

The Legal Intelligencer, Pennsylvania Law Weekly & Philadelphia Business Journal

- ★ 25 Women of the Year in Pennsylvania
- ★ Top 30 Pennsylvania Lawyers Under 40
- ★ Lawyers on the Fast Track
- ★ Unsung Hero
- ★ Distinguished Leader
- ★ Best Law Firm Mentor
- ★ Lifetime Achievement
- ★ Diversity Initiative
- ★ Diversity in Business

EXHIBIT 4



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During the hearing where the Court granted final approval of a precedent-setting \$375 million class action settlement on behalf of a class of mixed-martial arts fighters in Le v. UFC, Judge Boulware praised “the investment, the quality of the representation in this case, [and] the hours spent” by the Firm and its co-counsel.”

— **Judge Richard F. Boulware, II., U.S. District Court of Nevada**



The Court praised the \$20 million settlement in the In re: Platinum and Palladium Antitrust Litigation observing that the Firm has “...considerable experience in antitrust litigation such as this...in addition to a host of successful settlements in antitrust and commodities litigation” and that the “high quality of defense counsel opposing plaintiffs’ efforts further proves the caliber of representation that was necessary to achieve the settlement. Plaintiffs’ opponents were well resourced global financial institutions. Plaintiffs secured a settlement that grants the settlement class financial relief, despite being opposed by well-funded defendants represented by top-flight law firms. The ability of plaintiffs’ counsel to obtain a favorable settlement for the class in the face of such formidable legal opposition confirms the quality of their representation of the class.”

— **Hon. Gregory H. Woods, U.S. District Court for the Southern District of New York**



“I think y’all have been a model on how to handle a case like this. So I appreciate the diligence y’all have put in separating the fee negotiations until after the main event is resolved...Everything I see here is in great shape, and really a testament to y’all’s diligence and professionalism. So hats off to y’all...So thanks again for your professionalism in handling this case and handling the stipulated settlement. Y’all are model citizens, and so I wish I could send everyone to y’all’s school of litigation management.”

— **Judge Brantley Starr**



“It is just a joy to be in a courtroom with such talented lawyers. It’s really the best experience from a judicial perspective in court when you engage in this discussion with real experts who are here to try to educate and persuade.”

— **Judge Richard F. Boulware, II., U.S. District Court of Nevada**



JUDICIAL PRAISE (CONT.)



"We sitting here don't always get to see such fine lawyering, and it's really wonderful for me both to have tough issues and smart lawyers...I want to congratulate all of you for the really hard work you put into this, the way you presented the issues...On behalf of the entire federal judiciary, I want to thank you for the kind of lawyering we wish everybody would do."

— **Judge Faith S. Hochberg**



"You are extraordinarily impressive. And I thank you for being here, and for your candid, non-evasive response to every question I have. I was extremely skeptical at the outset of this morning. You have allayed all of my concerns and have persuaded me that this is an important issue and that you have done a great service to the class. And for that reason, I am going to approve your settlement in all respects, including the motion for attorneys' fees. And I congratulate you on your excellent work."

— **Judge Harold E. Kahn**



Judge Janet C. Hall of the U.S. District Court of the District of Connecticut praised the result of our Insurance Practice Group in achieving a \$72.5 million settlement in 2010 in the case of Spencer v. The Hartford Financial Services Group, Inc. (the detail of which are summarized above). Among other things, Judge Hall found that "but for counsel's outstanding work in this case and substantial effort over five years, no member of the class would have recovered a penny....[I]t was an extremely complex and substantial class and case." See Spencer v. The Hartford Financial Services Group, Inc., No. 3:05-cv-1681, Dkt. 268 at 71:15 to 73:5 (transcript of final settlement approval hearing on Sept. 21, 2010).

— **Judge Janet C. Hall, U.S. District Court of the District of Connecticut**



"I do want to compliment all counsel for how they litigated this case in a thoroughly professional manner. All parties were zealously represented in the highest ideals of the profession, legitimately and professionally, and not the usual acrimony we see in these cases...I commend the parties and their counsel for a very workmanlike professional effort."

— **Judge Joel Schneider**

EXHIBIT 5

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Berger Montague is one of the nation's preeminent law firms focusing on complex civil litigation, class actions, and mass torts in federal and state courts throughout the United States. The firm is active in the fields of antitrust, commercial litigation, consumer protection, defective products, environmental law, employment law, securities, and whistleblower cases, among many other practice areas. For more than 50 years, Berger Montague has played lead roles in precedent-setting cases and has recovered over \$50 billion for its clients and the classes they have represented. Berger Montague is headquartered in Philadelphia and has offices in Chicago; Malvern, PA; Minneapolis; San Diego; San Francisco; Toronto, Canada; Washington, D.C., and Wilmington, DE.

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Berger Montague rankings

USA Guide 2025

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District of Columbia

Antitrust: Mainly Plaintiff



1 Ranked Lawyer

Lawyers



3

Daniel Walker



Band 3

[View Profile >](#)

Pennsylvania

Antitrust



1 Department

3 Ranked Lawyers

Department



Antitrust



Band 1

[View Profile >](#)

Lawyers



David F. Sorensen



Band 1

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Eric L. Cramer



Band 1

[View Profile >](#)



Caitlin Coslett



Band 4

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USA - Nationwide

Antitrust: Plaintiff

1 Department

2 Ranked Lawyers



Department



Antitrust: Plaintiff



Band 1

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Lawyers



Eric L. Cramer



Band 1

[View Profile >](#)



3

David F. Sorensen



Band 3

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EXHIBIT 6

May 21, 2025 News

Joshua Davis Wins the National Civil Justice Institute's 2025 Appellate Advocacy Award



Berger Montague, the national plaintiffs' law firm, is pleased to announce that Shareholder Joshua Davis has been awarded the National Civil Justice Institute's [2025 Appellate Advocacy Award](#).

"This 9-0 decision was an important one," said Davis. "At a time when the President is eliminating pay and firing our Federal Civil Servants without following the processes prescribed by Congress, this outstanding result has far-reaching implications," said Mr. Davis.

Stuart Harrow was a longtime Department of Defense employee when he was given a six-day furlough. Mr. Harrow challenged the furlough at the Merit Systems Protection Board. During the five years the Board took to decide the case, Mr. Harrow's email address changed, and so he never received notification of the Board's final determination until the standard 60-day deadline to file petitions for review of Board decisions in federal court expired. The federal court dismissed Mr. Harrow's appeal as untimely, finding that the typical 60-day deadline to petition for review was jurisdictional. Josh Davis and Scott Dodson took the case to the U.S. Supreme Court. In [Harrow v. Dept. of Defense](#), 601 U.S. 480 (2024), the Court unanimously reversed and found that the time limit was a claim-processing rule instead of a jurisdictional one.

Read more about the award [here](#).

[Berger Montague](#) is one of the nation's preeminent law firms focusing on complex civil litigation, class actions, and mass torts in federal and state courts throughout the United States. The firm is active in the fields of antitrust, commercial litigation, consumer protection, defective products,

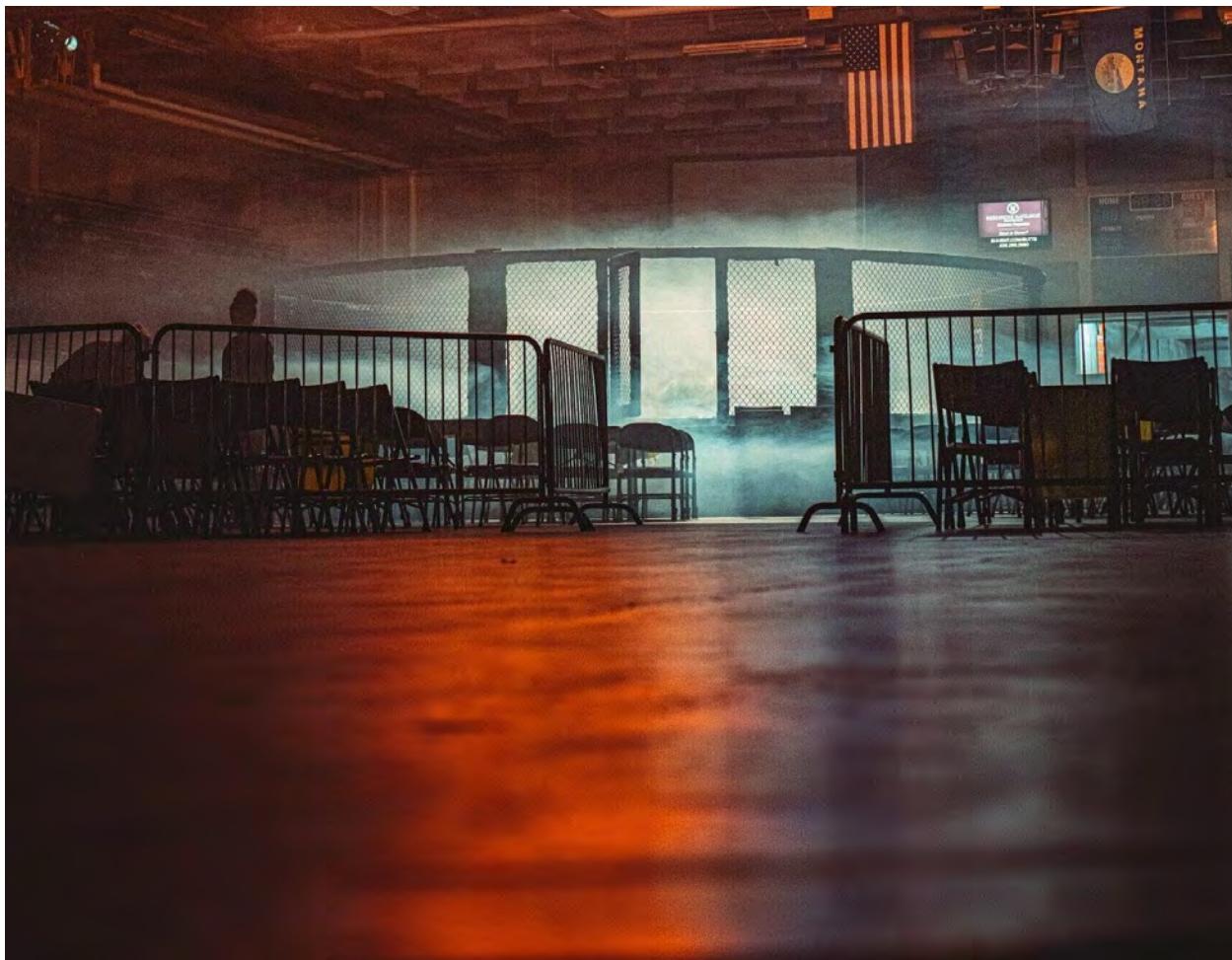
environmental law, employment law, securities, and whistleblower cases, among many other practice areas. For more than 50 years, Berger Montague has played lead roles in precedent-setting cases and has recovered over \$50 billion for its clients and the classes they have represented. Berger Montague is headquartered in Philadelphia and has offices in Chicago, Malvern, Minneapolis, San Diego, San Francisco, Toronto, Washington, D.C., and Wilmington, DE.

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EXHIBIT 7

June 26, 2025 News

With Unprecedented Claims Rate, Big Win for UFC Fighters Pays Off for Class Members



Berger Montague, a leading national plaintiffs' law firm, not only succeeded in securing a \$375 million settlement of an antitrust lawsuit against the UFC on behalf of a certified class of UFC fighters, the firm has also overseen an unprecedented participation rate from the class members in the settlement. Initial returns show that over 97% of the approximately 1100 class members submitted timely claims, accounting for an estimated 99% of the total compensation earned by these UFC fighters during the relevant period.

"These claims rates are unprecedented in class action litigation even in the best of circumstances," said Firm Chairman Eric Cramer. "It is particularly rewarding to see the level of participation after our ten-year battle for economic justice for the fighters. Berger Montague is extremely proud of these results and gratified by the near universal participation of fighters from around the world, including fighters from the U.S., Brazil, Canada, Japan, Russia, Latin America, and many other places," added Mr. Cramer.

The recoveries for class members will be "life changing" for many of these former fighters. Under the Court-approved Plan of Allocation, the average distribution will be approximately \$250,000.

Further, it is anticipated that thirty-five fighters would net over \$1 million; nearly 100 fighters would net over \$500,000; more than 200 fighters would recover over \$250,000; and over 500 fighters would net in excess of \$100,000.

Led by [Eric L. Cramer](#), [Michael Dell'Angelo](#), [Josh Davis](#), [Patrick F. Madden](#), [Robert Maysey](#), [David Langer](#), and [Susan Leo](#). Berger Montague serves co-lead counsel on behalf of a certified class of UFC fighters who fought for the UFC between December 16, 2010 and June 30, 2017 in [Le.vi.Zuffa? LLC](#).

The Firm also currently represents a proposed class of UFC fighters, who fought for the UFC between July 1, 2017 and the present in [Johnson.vi.Zuffa?LLC?et.al](#). The Johnson case is seeking both damages and injunctive relief to stop the alleged anticompetitive conduct. The firm also recently filed two new antitrust class action lawsuits against Zuffa LLC, TKO Group Holdings, Inc., and Endeavor Group Holdings, Inc., the owners and operators of the UFC, namely [Cirkunovs.vi.Zuffa. LLC?et.al](#)?and [Davis.vi.Zuffa.LLC?et.al](#); Cirkunovs seeks to represent UFC fighters who purportedly executed arbitration clauses and class action waivers, and Davis brings suit on behalf of professional mixed martial arts (“MMA”) fighters who competed for [MMA promotions other than the UFC](#) seeking injunctive relief to change the UFC’s current business practices to allow for more competition among promotions and more opportunities and pay for MMA fighters.

[Berger Montague](#) is one of the nation’s preeminent law firms focusing on complex civil litigation, class actions, and mass torts in federal and state courts throughout the United States. The firm is active in the fields of antitrust, commercial litigation, consumer protection, defective products, environmental law, employment law, securities, and whistleblower cases, among many other practice areas. For more than 50 years, Berger Montague has played lead roles in precedent-setting cases and has recovered over \$50 billion for its clients and the classes they have represented. Berger Montague is headquartered in Philadelphia and has offices in Chicago; Malvern, PA; Minneapolis; San Diego; San Francisco; Toronto, Canada; Washington, D.C., and Wilmington, DE.

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EXHIBIT 8



Joshua P. Davis

SHAREHOLDER

📞 415-215-0962

✉ jdavis@bm.net



Biography

Mr. Davis supervises the Firm's San Francisco Bay Area Office. He focuses his practice on antitrust, appeals, class certification, and ethics. He is one of the leading scholars in the nation on antitrust procedure, class certification, and ethics in class actions and complex litigation. He recently argued successfully before the U.S. Supreme Court in *Harrow v. Department of Defense*, No. 23-21 (May 16, 2024), obtaining a [9-0 decision in Mr. Harrow's favor](#).

Mr. Davis is also a Research Professor at the University of California San Francisco College of the Law, where he is associated with the Center for Litigation and Courts. He organizes an [annual conference on complex litigation ethics](#) at UC Law SF. He also organizes and moderates an annual panel on ethics at the ABA's National Class Actions Institute and speaks frequently on that topic.

Mr. Davis has taught at the Willamette University College of Law and the Georgetown University Law Center. He has testified before Congress on matters related to civil procedure and presented on matters related to private antitrust enforcement before the U.S. Department of Justice and the Federal Trade Commission.

Mr. Davis' scholarship has been cited by multiple federal appellate and trial courts. He has published more than thirty articles and book chapters on antitrust, civil procedure, class certification, legal ethics, and legal

EDUCATION

Law School

N.Y.U. School of Law

LLM Georgetown University

Undergraduate

Brown University

throughout the country and the world at scholarly and professional conferences and symposia on AI, aggregate litigation, civil procedure, and ethics. A focus of his recent published articles and book chapters has been on artificial intelligence (AI) and the law, and he is completing a book, "Unnatural Law: AI, Consciousness, Ethics, and Legal Theory" (forthcoming in Cambridge University Press 2025). He is also co-editing with shareholder Candice Enders the first treatise dedicated to ethics in class actions and other complex litigation, several chapters of which are available on Lexis Nexis.

Mr. Davis won an award for Outstanding Antitrust Litigation Achievement in Private Law Practice from the American Antitrust Institute in 2023 and 2024. He received a CLAY California Attorney of the Year Award in Antitrust in 2016. His law review article, "Defying Conventional Wisdom: The Case for Private Antitrust Enforcement," 48 Ga. L. Rev. 1 (2013), won the 2014 award for best academic article from George Washington University School of Law and the Institute on Competition Law.

Mr. Davis graduated from N.Y.U. School of Law in 1993, where he won the Frank H. Sommer Memorial Award for top general scholarship and achievement in his class, served as the Articles Editor for the N.Y.U. Law Review, and was admitted to the Order of the Coif. After law school, he was a law clerk for Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit. He was a partner at Lieff, Cabraser, Heimann & Bernstein, LLP, until 2000, when he entered full-time legal academia until joining the Firm in 2022.

PROFESSIONAL LEADERSHIP

- Active Board Member at the American Antitrust Institute (AAI) for which he regularly writes amicus briefs in matters pending before the U.S. Supreme Court and federal appellate and trial courts.

Antitrust Enforcement Conference, the main annual antitrust conference for plaintiffs' class-action lawyers.

Josh also organizes the Bay Area Civil Procedure Forum, which is co-sponsored by Stanford Law School, U.C. Berkeley School of Law, U.C. Hastings College of Law, and the University of San Francisco School of Law and hosts presentations on civil procedure for scholars, practitioners, and judges in the San Francisco Bay Area and, virtually, throughout the country.

- Panelist each year at the American Bar Association's National Class Action Institute on class action ethics.
- Serves as Chair of the Policy Task Force for the Committee to Support Antitrust Laws (COSAL).

PROMINENT JUDGMENTS AND SETTLEMENTS

- *In re Capacitors Antitrust Litigation* (N.D. Cal.) (direct purchaser plaintiffs) (briefed and argued a motion to dismiss, *Daubert*, and class certification and participated in expert hearing and trial) (settlements of \$440 million with a few defendants remaining)
- *In re Lidoderm Antitrust Litigation* (N.D. Cal.) (end purchaser plaintiffs) (briefed and argued class certification) (settled for \$105 million)
In re Packaged Seafood Antitrust Litigation (C.D. Cal.) (commercial food preparers) (briefed and prepared expert reports for class certification motion)
- *In re Cipro Antitrust Litigation* (Cal. S. Ct.; San Diego Sup. Ct.) (end purchaser plaintiffs) (briefed *Actavis* issues before the California Supreme Court and participated in trial preparation; won California Lawyer Attorneys of the Year Award in Antitrust) (settled for \$399 million)
- *In re Restasis Antitrust Litigation* (E.D. N.Y.) (end purchaser plaintiffs) (argued and participated in a live expert hearing on class certification)
UFC Antitrust Litigation (D. Nev.) (direct seller plaintiffs) (briefed

participated in a live expert hearing on class

certification)

- **Generic Drugs Antitrust Litigation** (E.D. Pa.) (end purchaser plaintiffs) (working with experts on class certification and merits)
 - **Varsity Antitrust Litigation** (W.D. Tenn.) (direct purchaser plaintiffs) (briefed opposition to the motion to dismiss and working with experts on class certification and merits);
 - **Carfax Antitrust Litigation** (2d Cir.) (direct purchaser plaintiffs) (participated in briefing and argued the appeal)
 - **Magnetic Iron Oxide Antitrust Litigation** (ND Cal.) (direct purchaser plaintiffs) (briefed and argued a motion to dismiss)
 - **Truck Card Antitrust Litigation** (E.D. Pa.) (direct purchaser plaintiffs) (briefed and argued at class certification hearing) (settled for \$130 million) *Castro v. Sanofi Pastor Inc.* (D. N.J.) (direct purchaser plaintiffs) (briefed motion to dismiss, *Daubert*, and class certification) (settled for \$61.5 million)
 - **High-Tech Employee Antitrust Litigation** (N.D. Cal.) (direct purchaser plaintiffs) (participated in preparing expert reports and briefing class certification) (settled for over \$400 million).
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EXHIBIT 9



Hope Brinn

ASSOCIATE

📞 302-530-6250

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Biography

Hope Brinn is an Associate in the San Francisco office and practices in the Firm's Antitrust group. Hope represents direct purchasers in a variety of industries. She is a core part of the team litigating *Henry v. Brown University* (N.D. Ill.), a case alleging that seventeen elite universities colluded to artificially depress financial aid in violation of Section 1 of the Sherman Act. Hope and the team have thus far recovered \$284 million on behalf of working- and middle-class financial aid recipients. Her other matters include *Estuary Transit District v. Hartford Healthcare Corporation* (D. Conn.), *Choh v. Brown University* (D. Conn.), and *Simon & Simon v. Align Technology* (N.D. Cal.). Hope is also a member of the *In re: MultiPlan Health Insurance Provider Litigation* lead counsel team.

In 2024 Hope won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement by a Young or Newly Admitted Lawyer.

Prior to starting at the Firm, Hope clerked for the Honorable Janet Bond Arterton in the United States District Court for the District of Connecticut.

Hope is a graduate of Swarthmore College, where she was a Lang Opportunity Scholar and Truman Scholar, and the University of Michigan Law School, where she was a Darrow Scholar. While at Michigan, she co-founded the Sexual Assault and Harassment Legal Advocacy Service,

EDUCATION

Law School

University of Michigan Law School,
cum laude, 2020

Undergraduate

Swarthmore College, 2015

Publications

Hope Brinn, *Improving Employer Accountability in a World of Private Dispute Resolution*, 118 Mich. L. Rev. 285 (2019)

Admissions

› Member – California Bar

› Admitted – Northern District of California

campus judicial proceedings to students who experienced sexual misconduct and was a co-president of the Disability Rights Organization. Hope was a Senior Editor for the *Michigan Law Review*, where she published a note on the intersection of qui tam laws and the Federal Arbitration Act, and the Executive Notes Editor for the *Michigan Journal of Race & the Law*.

Hope is admitted to practice in California.

PROFESSIONAL LEADERSHIP

Special Advisor to the American Bar Association
Commission on Disability Rights

EXHIBIT 10



Julie Pollock

ASSOCIATE

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Biography

Julie Pollock is an Associate in the Antitrust department at the Firm's San Francisco Bay area office.

Ms. Pollock graduated *summa cum laude* from USF School of Law. While in law school, Ms. Pollock clerked in the Firm's Antitrust division and served as a judicial extern to Chief Justice Cantil-Sakauye of the California Supreme Court. Ms. Pollock also served on the Board of Directors for the Legal Aid Association of California, advocating to expand access to critical legal services for low-income Californians.

Ms. Pollock is passionate about social and economic justice. Prior to joining the firm, she earned a Master's Degree in Social Welfare from UCLA and started her career doing policy work to improve healthcare and housing access for low-income older adults. Ms. Pollock believes in aggressive antitrust enforcement as a tool to combat the excessive concentration of economic power and its resulting structural inequities.

EDUCATION

Law School

USF School of Law

Graduate

Master's Degree: Social Welfare –
UCLA

Clerkships

Berger Montague